

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TYRONE FITZGERALD,
Petitioner,

v.

MARK GARMAN,
Respondent.

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Civ. No. 17-4837

J U D G M E N T

AND NOW, this 19th day of August, 2019, upon careful and independent consideration of Tyrone Fitzgerald's *pro se* Petition for Writ of Habeas Corpus (Doc. No. 1), the Commonwealth's Response to Petition (Doc. No. 15), Judge Sitarski's Report and Recommendation (Doc. No. 20), Fitzgerald's Objections (Doc. No. 26), and available state court records, it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. No. 20) is **APPROVED and ADOPTED**;
2. Fitzgerald's Objections (Doc. No. 26) are **OVERRULED**;
3. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED with prejudice**;
4. A Certificate of Appealability shall **NOT ISSUE**. See 28 U.S.C. § 2253(c)(1)(A); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
5. The **CLERK OF COURT** shall **CLOSE** this case.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.